

October 22, 2007

Via Mail & Electronic Filing

Attn: Hon. Kenneth M. Karas
United States District Court Judge
USDC/Southern District NY
300 Quarropas Street, 5th Floor
White Plains, NY 10601

Re: Lathrop v. DeTuya
Docket #: 07 CIV 3181 (KMK)(MDF)
Request For Four (4) Week Extension For Discovery

Dear Honorable Justice Karas:

Please know that my office was given permission to send this correspondence via facsimile by “Mike” from Your Honor’s chambers. All discovery has been completed in the above-captioned matter involving injuries to Ms. Lathrop as the result of an automobile collision, other than the “Independent Medical Examination” which is currently scheduled for this Wednesday, October 24th, in New York. All discovery is currently scheduled to be completed no later than October 31st and both sides have been cooperating and have been most diligent in completing all discovery. ***It is respectfully requested (with the knowledge, consent, and understanding of defendant’s counsel) that the deadline to complete discovery be extended until November 30, 2007.***

You may recall that both sides appeared in front of Your Honor to discuss the “choice of law” issue in the case at bar (in that the two parties are from New Jersey and Connecticut) in determining whether New York State’s comparative negligence law should apply, or the prevailing law in New Jersey and Connecticut. My office submitted a follow-up letter to the Court on October 9th. As we await the Court’s decision, - a decision that all sides agree should allow for a resolution of the case - an extension of the discovery deadline by four weeks will allow for both a diligent attempt at settlement and will obviate the need for Ms. Lathrop to travel to New York from her

home this week in order to engage in a physical examination, which at the current time is a hardship for her.

It is with a great deal of assurance that the Court can feel confident that this first (and only) extension of time will help to facilitate an out-of-court resolution to the case at bar. Please feel free to contact my office with any questions or concerns regarding this matter.

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As we look forward to hearing back from Your Honor, we thank you for your anticipated prompt attention to this request.

Very truly yours,

William H. Cooper

WHC/bac
cc: John Kondulis, Esq.